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REPORT OF THE NINTH MEETING OF STATES PARTIES

Prepared by the Secretariat

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I. INTRODUCTION

1. The ninth Meeting of States Parties to the United Nations Convention on the Law of the Sea (the Convention) was convened from 19 to 28 May 1999 in accordance with article 319, paragraph 2 (e), of the Convention and the decision taken at the eighth Meeting (SPLOS/31, para. 71). Pursuant to that decision and in accordance with rule 5 of the rules of procedure adopted by the Meeting of States Parties (SPLOS/2/Rev.3), invitations to participate in the Meeting were addressed by the Secretary-General of the United Nations to all States Parties to the Convention. Invitations were also addressed to observers in conformity with rule 18 of the rules of procedure (SPLOS/2/Rev.3/Add.1), as well as to the President and the Registrar of the International Tribunal for the Law of the Sea in accordance with rule 37 of the rules of procedure.

2. The Meeting had before it the following documents:

- Rules of procedure for Meetings of States Parties (SPLOS/2/Rev.3 and SPLOS/2/Rev.3/Add.1);
- Report of the eighth Meeting of States Parties (SPLOS/31);
- Provisional agenda (SPLOS/L.11);
- Annual report of the International Tribunal for the Law of the Sea for 1998 (SPLOS/35);
- Draft budget proposals of the International Tribunal for the Law of the Sea for 2000 (SPLOS/WP.9);
- Adjustment of the remuneration of members of the International Tribunal for the Law of the Sea (SPLOS/WP.10 and Add.1);
- Supplementary budget proposal of the International Tribunal for the Law of the Sea for 1999 (SPLOS/WP.11);
- Election of the members of the International Tribunal for the Law of the Sea (list of candidates submitted by Governments of States Parties) (SPLOS/32);
- Curricula vitae of candidates nominated by States Parties for election to the International Tribunal for the Law of the Sea (SPLOS/33);
- Election of the members of the International Tribunal for the Law of the Sea (note by the Registrar of the Tribunal on the election procedures) (SPLOS/34);
- Financial Regulations of the International Tribunal for the Law of the Sea (SPLOS/36);
- Staff Regulations of the International Tribunal for the Law of the Sea (SPLOS/37);

- Draft pension scheme regulations for members of the International Tribunal for the Law the Sea (SPLOS/WP.7/Rev.1);

- Letter dated 14 May 1999 from the Chairman of the Commission on the Limits of the Continental Shelf addressed to the President of the ninth Meeting of States Parties (SPLOS/38);

- Issues submitted to the Meeting of States Parties by the Commission on the Limits of the Continental Shelf (note by the Secretariat) (SPLOS/39).

II. ORGANIZATION OF WORK

A. Opening of the ninth Meeting

3. The ninth Meeting was opened by the President of the eighth Meeting, Ambassador Paul Badji (Senegal).

B. Election of the President

4. The Meeting elected Ambassador Peter Tomka (Slovakia) as President of the ninth Meeting of States Parties by acclamation.

C. Statement of the President

5. In his opening statement, the President extended his welcome to all States Parties, especially to the five States that had become Parties to the Convention after the conclusion of the eighth Meeting (i.e. Belgium, Lao People's Democratic Republic, Nepal, Poland and Suriname) and expressed his hope that the objective of the universal participation in the Convention would be achieved in the near future. Then he outlined the programme of work of the ninth Meeting, pointing out that priority items on the agenda were the draft budget of the International Tribunal for the Law of the Sea for 2000 and the election of the seven members of the Tribunal.

6. He proposed that the budget be considered together with the issues related to the adjustment of the remuneration of members of the Tribunal. He drew the attention of the Meeting to other important matters to be considered: the financial regulations of the Tribunal and the conditions under which retirement pensions may be given to the members of the Tribunal. Another outstanding item on the agenda was related to the Rules of Procedure for Meetings of States Parties, in particular rule 53, dealing with decisions on questions of substance.

D. Adoption of the agenda for the ninth Meeting

7. The Meeting considered the provisional agenda for the ninth Meeting (SPLOS/L.11). The agenda as adopted is contained in document SPLOS/40.

E. Election of the Vice-Presidents

8. The Meeting elected the representatives of Australia, Nigeria, the Republic of Korea and Trinidad and Tobago as the Vice-Presidents of the ninth Meeting of States Parties.

F. Appointment of the Credentials Committee

9. The Meeting of States Parties appointed a Credentials Committee consisting of the following members: Cameroon, Croatia, Germany, Malta, Micronesia (Federated States of), Philippines, South Africa, Trinidad and Tobago and Uruguay.

III. ANNUAL REPORT OF THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA TO THE MEETING OF STATES PARTIES

10. The annual report of the International Tribunal for the Law of the Sea, covering the calendar year 1998 (SPLOS/35), was submitted to the Meeting of States Parties under article 6, paragraph 3 (d), of the Rules of Procedure for Meetings of States Parties.

11. In his introductory statement, the President of the Tribunal, Judge Thomas Mensah, pointed out that in 1998 the Tribunal, in addition to its substantive judicial work, had made further progress in establishing and strengthening its organizational and administrative infrastructure. Among others, the Tribunal had established Financial Regulations and Staff Regulations to replace those of the United Nations, which were being used by the Tribunal on a provisional basis. The draft regulations were submitted to the ninth Meeting of States Parties for consideration and appropriate decision, in accordance with the Meeting's previous decisions and directives.

12. The President further noted that the Tribunal had almost completed the process of establishing cooperative ties with the United Nations. The Agreement on Cooperation and Relationship between the Tribunal and the United Nations had entered into force. Subsequent arrangements concerning the issuance of the United Nations laissez-passer to the judges of the Tribunal and to the officials of the Registry had been made and negotiations were in process to extend the jurisdiction of the United Nations Administrative Tribunal to cover disputes involving staff of the Registry. With those steps, the status of the Tribunal as an autonomous institution operating within the United Nations common system was fully established.

13. The President of the Tribunal also recalled the adoption in 1997 of the Agreement on the Privileges and Immunities of the Tribunal and expressed the

hope that the number of ratifications and accessions needed for its entry into force would be forthcoming in the near future. He noted further that the Tribunal hoped to resolve the few outstanding issues related to the Headquarters Agreement with the host country and that he expected to be in a position to report its formal conclusion at the next Meeting.

14. He highlighted the significant progress made in the establishment of the library of the Tribunal and noted that the Yearbook, covering the first period of the Tribunal's existence, from August 1996 to December 1997, was under printing. He also informed the Meeting that the anticipated move into the new permanent premises of the Tribunal was scheduled to take place in early 2000, before the next Meeting of States Parties.

15. The President of the Tribunal also reported on the judicial work of the Tribunal and provided information on the progress in the proceedings in the dispute between Saint Vincent and the Grenadines and the Republic of Guinea involving the vessel Saiga. The delivery of the judgment on the merits of the case was tentatively scheduled for the end of June. The entire process, from the institution of the case in January 1998 to the delivery of the judgment, would then be completed in a period of no more than 18 months. It was the Tribunal's intention and determination to maintain this expeditious pattern of operation in all future cases, without compromising the quality of the proceedings or its judgments. He concluded his statement by emphasizing that the Tribunal was now firmly established and fully operational.

16. The Meeting took note, with appreciation, of the report of the Tribunal. In the ensuing discussion, a number of delegations thanked the Tribunal and in particular its President for the progress made in its judicial as well as its administrative work. They also pointed out the necessity to continue to foster transparency in the operations of the Tribunal.

IV. BUDGETARY MATTERS OF THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

17. The President of the Meeting of States Parties proposed to commence with the consideration of documents concerning the adjustment of the remuneration of members of the Tribunal (SPLOS/WP.10 and Add.1) since this had a direct bearing on the budgetary estimates for the Tribunal for 2000, and a related supplementary budget proposal for the 1999 budgetary period (SPLOS/WP.11). The proposal of the President was accepted by the Meeting.

A. Adjustment of the remuneration of members of the Tribunal

18. The President of the Tribunal introduced the draft proposal concerning the adjustment of the remuneration of members of the International Tribunal for the Law of the Sea (SPLOS/WP.10 and Add.1). He recalled that in regard to the level of remuneration of the members of the Tribunal, the fourth Meeting of States Parties had decided on the principle of "maintaining equivalence with the remuneration levels of the judges of the International Court of Justice". He pointed out that the General Assembly of the United Nations, in its resolution

53/214 of 18 December 1998, had set the annual salary of the judges of the International Court at $160,000, effective 1 January 1999. In the light of that decision of the General Assembly, he requested the Meeting of States Parties to consider an adjustment to the maximum annual remuneration of the members of the Tribunal to reflect the revision in the emoluments of the members of the International Court of Justice. The draft proposal by the Tribunal assumed that the adjustment would be effective retroactively from 1 January 1999 and, in this connection, a supplementary budget proposal of the International Tribunal for the Law of the Sea for 1999, contained in document SPLOS/WP.11, was also introduced. After the introduction and a preliminary discussion in the plenary, the Meeting decided to consider the budgetary matters of the Tribunal, including the issue of remuneration of the members of the Tribunal, in an open-ended working group, with the President of the Meeting as Chairperson.

19. During deliberations in the plenary and in the Working Group, delegations upheld unanimously the principle of equivalence with the remuneration levels of judges of the International Court of Justice; however, a number of them could not accept any retroactive adjustment or supplementary budget for 1999 in this regard. After considering the request of the Tribunal and taking note of the budgetary implications as set out in document SPLOS/WP.10, paragraph 7, the Meeting approved a draft decision (SPLOS/L.12) which set the maximum annual remuneration of the members of the Tribunal to the level of the emoluments of the members of the International Court of Justice, i.e. $160,000, effective 1 January 2000 (for the text of the discussion, see SPLOS/44).

B. Draft budget of the International Tribunal for the Law of the Sea for 2000

20. The Registrar of the International Tribunal for the Law of the Sea introduced the draft budget of the Tribunal for 2000 (SPLOS/WP.9). He pointed out that the draft budget for 2000 had been prepared bearing in mind, among other things, the forthcoming move of the Tribunal to its permanent premises in Nienstedten, a residential suburb of Hamburg. That would result in an increase of maintenance expenses and in staff specifically required for the operation and security of the new premises. The budget was also based on the Tribunal's expected schedule, including the programme of meetings on non-judicial issues scheduled for 2000.

21. The proposal for the budget of the Tribunal for 2000 was predicated, inter alia, on the premise that in 2000 the Tribunal would have meetings for a total of 11 weeks to deal with cases and for purposes, essentially of an administrative nature, not necessarily related to cases. Out of 11 weeks of proposed meetings in 2000, no more than 5 would be allocated for the latter purposes. The budget proposals amounted to a total of $8,705,576 composed of:

(a) A recurrent expenditure of $8,210,576, consisting of:

(i) $2,482,843 for the remuneration, travel and pension of judges;

(ii) $3,551,915 for salaries and related costs of staff (15 posts at the Professional level and above and 25 posts at the General Service level);

(iii) $288,897 for general temporary assistance, overtime, official travel and representation allowance;

(iv) $307,000 for temporary assistance for meetings;

(v) $1,579,921 for communications, supplies and materials, maintenance of premises, rental and maintenance of equipment, library and various other services;

(b) A non-recurrent expenditure of $395,000, essentially for the acquisition of furniture, equipment and special equipment;

(c) A Working Capital Fund of $100,000.

22. The budget proposals were first considered in the Working Group. The Working Group held several meetings during which it carried out an item-by-item consideration. Informal consultations chaired by the President of the Meeting were also held, with the participation of interested delegations as well as the President and the Registrar of the Tribunal.

23. On the basis of the agreement reached during the informal consultations (SPLOS/CRP.21), the Working Group recommended to the Meeting of States Parties to approve the revised budget of the Tribunal for 2000 together with the revised staffing table of the Registry of the Tribunal for 2000 (SPLOS/L.14). The Meeting of States Parties approved the revised budget and the revised staffing table (SPLOS/46). It took note of the fact that most of the budgetary increases in 2000 over the level of 1999 were attributable to the move to the new premises of the Tribunal in 2000 and the operation and maintenance of the premises.

24. The approved budget amounted to a total of $7,657,019 including, inter alia:

(a) A recurrent expenditure of $6,672,255 consisting of:

(i) $1,863,490 for the remuneration, travel and pension of judges;

(ii) $3,219,909 for salaries and related costs of staff (13 posts at the Professional level and above and 21 posts at the General Service level);

(iii) $263,130 for general temporary assistance, overtime, official travel and representation allowance;

(iv) $129,091 for temporary assistance for meetings;

(v) $1,196,635 for communications, supplies and materials, maintenance of premises, rental and maintenance of equipment, library and various other services;

(b) A non-recurrent expenditure of $255,400, essentially for the acquisition of furniture, equipment and special equipment.

With a view to providing the Tribunal with the necessary financial means to consider cases, in particular those requiring expeditious proceedings, as they are submitted to the Tribunal in 2000, the Meeting of States Parties further approved $679,364 as contingency funds, which should be used only in the event of cases being submitted to the Tribunal. It also approved an additional amount of $50,000 for advances to the Working Capital Fund of the Tribunal in 2000 and decided that, on an exceptional basis, savings from appropriations in the budget for 2000, up to a maximum of $200,000, would also be credited to the Fund.

25. It should be noted that an important reduction (amounting to $1,048,557) had been achieved in the approved budget, when compared to the draft budget for 2000 as proposed by the Tribunal.

26. The budget of the Tribunal is to be financed by all States and international organizations that are Parties to the Convention. Prompted by a draft decision proposed by Japan (SPLOS/L.16), the Meeting further discussed the issue of a floor rate and a ceiling rate of the scale of assessments in accordance with which the contributions of States Parties to the budget of the Tribunal are to be made. A number of delegations expressed their agreement in principle with the establishment of such a floor rate and a ceiling rate; however, certain delegations preferred the floor and ceiling rates used for the United Nations regular budget (0.001 per cent and 25.00 per cent, respectively) while others preferred those applied by the International Seabed Authority (0.01 per cent and 25.00 per cent, respectively). The Meeting decided to accept the latter rates and to incorporate them in the decision on the budget of the Tribunal for 2000 (SPLOS/46) rather than in a separate decision, pending finalization of the Financial Regulations of the Tribunal. As indicated in paragraph 5 of document SPLOS/46, the Meeting of States Parties decided that the contributions to be made by States Parties should be based upon the scale of assessments of the regular budget of the United Nations for the corresponding financial year, adjusted to take account of participation in the Convention, and that a floor rate of 0.01 per cent and a ceiling rate of 25.00 per cent should be used in establishing the scale of assessments for States Parties for the budget of the Tribunal for 2000. Several delegations requested the Registrar to provide the revised scale of assessments for the budget of the Tribunal for 2000 as soon as possible.

27. The representative of the European Community stated that, pending the finalization of the Financial Regulations of the Tribunal, a lump sum of $75,000 would be contributed to the 2000 budget of the Tribunal (concerning the contribution by the European Community, see also SPLOS/31, paras. 31-32).

28. In the context of the discussion of budgetary matters of the Tribunal, another issue of importance was raised by a number of delegations. They pointed out that the deliberation on the budget would be greatly facilitated, in particular in areas where past expenditures were the only indicators of actual needs of the Tribunal, if the budget performance reports for preceding years were made available by the Registry. In the light of those statements, the President of the Meeting proposed a draft decision (SPLOS/L.13). The draft was generally agreed upon and adopted by the Meeting with amendments (SPLOS/45). The Meeting decided to request the Registrar, pending the entry into force of the Financial Regulations of the Tribunal, to present to the Meeting of States

Parties every year a preliminary performance report on the use of the budget appropriations for the preceding year and a final performance report on the use of the budget appropriations for the year prior to the preceding year.

29. Furthermore, following the request of the Meeting of States Parties, the audit report of the Tribunal for 1996/97 was made available by the Registry. While the availability of that document was largely appreciated, it was pointed out that some matters did not appear to have been sufficiently addressed in the report and needed to be dealt with in the future audits of the accounts of the Tribunal, in particular: (a) whether expenditures incurred have been appropriately authorized by the party designated for that purpose in the Rules of the Tribunal and the Financial Regulations; (b) whether staff and persons being paid by the Tribunal have been recruited or engaged in the manner provided for in the Rules of the Tribunal or the Financial Regulations; (c) whether goods and services have been procured in accordance with the procedures provided for in the Financial Regulations; and (d) whether goods and services which have been procured are necessary or not excessive, having regard to circumstances and the functions of the Tribunal.

V. REPORT OF THE CREDENTIALS COMMITTEE

30. The Credentials Committee held two meetings, on 21 and 24 May 1999. Mr. Marthinus van Schalkwyk (South Africa) was elected as its Chairman. At the meetings, the Committee examined the credentials of representatives to the ninth Meeting of States Parties. It accepted the credentials submitted by the representatives of 128 States Parties to the Convention, including the European Community. On 24 May 1999, the Meeting of States Parties approved the two reports of the Committee (SPLOS/41 and 42).

VI. ELECTION OF THE SEVEN MEMBERS OF THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

31. The terms of seven members of the International Tribunal for the Law of the Sea expire on 30 September 1999 (see SPLOS/34). In accordance with the decision taken at the eighth Meeting of States Parties, the Meeting proceeded to the election of the seven members of the Tribunal on 24 May 1999. The President outlined the procedure for the election based on the understandings reached for the first election of the 21 members in 1996 (see SPLOS/L.3/Rev.1).

32. Argentina, Belgium, Bulgaria, China and Zimbabwe were appointed tellers for the election.

33. Three rounds of balloting were conducted:

- At the first round, 127 ballots were cast. There were 115 valid ballots, 12 invalid ballots and no abstentions. The following candidates obtained the largest number of votes and the required two-thirds majority of States Parties present and voting (77 votes) and were thus elected: Rüdiger Wolfrum (Germany) (109), Vicente Marrota Rangel (Brazil) (107), P. Chandrasekhara Rao

(India) (84), Joseph Akl (Lebanon) (82), and José Luis Jesus (Cape Verde) (79);

- At the second round of balloting, with 123 ballots cast - 122 valid ballots, 1 invalid ballot and no abstentions - no candidate received the required majority of 82 votes;

- A third round of balloting was then carried out. Out of 122 ballots cast, with no invalid ballots and no abstentions, the following candidates obtained the required majority of 82 votes and were elected: Anatoly Lazarevich Kolodkin (Russian Federation) (86), and Paul Bamela Engo (Cameroon) (83).

34. The President announced that the seven members of the International Tribunal for the Law of the Sea elected for a nine-year term starting from 1 October 1999 were as follows: Paul Bamela Engo and José Luis Jesus from the African Group, Joseph Akl and P. Chandrasekhara Rao from the Asian Group, Anatoly Lazarevich Kolodkin from the Eastern European Group, Vicente Marrota Rangel from the Latin American and Caribbean Group, and Rüdiger Wolfrum from the Western European and Other States Group. On behalf of the Meeting of States Parties, the President congratulated those elected to the Tribunal.

VII. FINANCIAL REGULATIONS OF THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

35. The President of the International Tribunal for the Law of the Sea introduced the Financial Regulations as adopted by the Tribunal (SPLOS/36). In preparing the text, the Tribunal had taken into account the comments made during the eighth Meeting of States Parties (see also SPLOS/31, paras. 34-36). The President of the Tribunal pointed out that, even though the Financial Regulations of the United Nations were being applied in the interim period, it was important to take the final action on the Financial Regulations in order to enable the Tribunal to develop its Financial Rules in line with the requirements of transparency.

36. Many delegations felt that it was important to continue the discussion with a view to adopting the Financial Regulations at the Meeting of States Parties, in the light of its role with respect to budgetary matters of the Tribunal. A number of draft amendments were introduced (SPLOS/CRP.15, 16, 18 and 19). With respect to the proposal on the application of a floor rate and ceiling rates used in the establishment of the scale of assessment for the budget of the Tribunal (SPLOS/CRP.15), the Meeting agreed that the issue would be better dealt with within the context of the budget for the time being. A number of comments were made regarding the Financial Regulations and the other suggested amendments. In connection with regulation 2, some delegations were of the view that the biennial financial period should not start in 2002, since budgetary requirements to be estimated in advance of a biennial period could only be based on stable and foreseeable expenditure patterns and the Meeting did not yet have sufficient information to foresee the developments in relation to the Tribunal's expenditures. With respect to regulation 3, it was suggested that there was a

need to establish, in general terms, a deadline for the presentation of the budget so as to provide States Parties with sufficient time for its analysis. It was also reiterated that the draft budget should be accompanied by a detailed statement on the use of the prior budget appropriations and on proposed changes incorporated in the draft budget. Concerning the draft amendment to regulation 5 (SPLOS/CRP.16) relating to the contributions by international organizations to the budget of the Tribunal, the delegation of the European Community pointed out that its proposal represented a reasonable and equitable solution, coherent with the approach taken in the International Seabed Authority. On the other hand, some delegations reiterated their view that international organizations had in practice the same rights and obligations as other States Parties and that the proposal needed further consideration.

37. The Meeting decided to continue its deliberation on the Financial Regulations of the Tribunal at the next (tenth) Meeting with a view to its adoption. It was also agreed that any further comments and amendments should be provided in writing to the Secretariat by 30 November 1999.

VIII. STAFF REGULATIONS OF THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

38. The Staff Regulations of the Tribunal as adopted by the Tribunal (SPLOS/37) were introduced by the Registrar. He informed the Meeting that the regulations were based on the Staff Regulations of the United Nations and on those adopted by the International Court of Justice. After a short deliberation during which, among other things, a comment was made by the delegation of an observer State on its preferences regarding the tax reimbursement mechanism, the Meeting took note of the Staff Regulations.

IX. CONDITIONS UNDER WHICH RETIREMENT PENSIONS MAY BE GIVEN TO MEMBERS OF THE TRIBUNAL

39. The draft pension scheme regulations for members of the International Tribunal for the Law of the Sea (SPLOS/WP.7/Rev.1) were introduced by the President of the Tribunal. He pointed out that the Tribunal had prepared the revised draft regulations on the basis of the amendments the United Nations General Assembly had approved in December 1998 for the Pension Scheme Regulations for members of the International Court of Justice (Assembly resolution 53/214 and taking into account the views expressed during the consideration of the matter at the eighth Meeting of States Parties (SPLOS/31, paras. 37-40).

40. The Meeting considered the revised draft in the open-ended working group. A number of amendments which met with general agreement were reflected in draft decision SPLOS/L.15. The Pension Scheme Regulations for Members of the International Tribunal for the Law of the Sea was then adopted as amended (SPLOS/47).

X. RULES OF PROCEDURE OF THE MEETING OF STATES PARTIES, IN PARTICULAR THE RULE DEALING WITH DECISIONS ON QUESTIONS OF SUBSTANCE (RULE 53)

41. The Meeting discussed rule 53 of the Rules of Procedure of the Meeting of States Parties (SPLOS/2/Rev.3), which had been adopted without prejudice to the rules relating to financial and budgetary matters. A draft amendment was introduced (SPLOS/CRP.20) according to which decisions on budgetary and financial matters should be taken by a three-fourths majority of States Parties present and voting, provided that such majority included States Parties contributing at least three fourths of the expenses of the Tribunal as well as majority of the States Parties participating in the Meeting.

42. Certain delegations, recalling the discussion of the item at the eighth Meeting (SPLOS/31, paras. 58-62), supported the draft amendment and were in favour of continuing the dialogue concerning rule 53. Some delegations inquired how a determination would be made as to whether a question of substance was a budgetary and financial matter or not. However, a number of other delegations were opposed to the draft amendment and expressed their satisfaction with the current rules.

43. The Meeting concluded that there was no unanimous opinion on the modalities for decision-making on financial and budgetary matters. In view of the need to further study the submitted amendment, the Meeting decided to include the item in the agenda of its next meeting.

XI. OTHER MATTERS

A. Issues submitted to the Meeting of States Parties by the Commission on the Limits of the Continental Shelf

44. The President drew the attention of the Meeting to a letter addressed to him by the Chairman of the Commission on the Limits of the Continental Shelf, Yuri B. Kazmin (SPLOS/38), concerning the issue of financing the participation of members of the Commission from developing countries in the work of the Commission on the understanding that the Convention clearly stated that States Parties should defray the costs of the members of the Commission which they had nominated. The Chairman, on behalf of the Commission, requested the President to propose to the States Parties to consider that issue at the ninth Meeting.

45. In this respect, the President also drew the attention of the Meeting to a note by the Secretariat on the modalities for establishing a trust fund and examples of trust funds administered by the Secretary-General of the United Nations (SPLOS/39).

46. A number of delegations expressed their support in principle for the establishment of a trust fund to be administered by the Secretary-General of the United Nations which would be used to meet the travel and accommodation expenses of members of the Commission from developing countries during periods when they performed their duties as members of the Commission. Several delegations

pointed out that trust funds had been used to support the participation of representatives of developing countries in a number of other endeavours.

47. It was also pointed out that such a trust fund would be financed on the basis of voluntary contributions and that the most appropriate way for the Meeting of States Parties to proceed would be to address a recommendation to the General Assembly through the Secretary-General of the United Nations. Several delegations noted that the prospective trust fund should be administered in such a way as not to affect the independence of the Commission and its members.

48. Despite the general support for the idea of a trust fund, a majority of delegations felt that, in order to formulate any recommendations, the Meeting needed detailed factual information from the Commission regarding actual needs and financial estimates for each session and that without that information it would be difficult to take any action. After an extensive discussion during which delegations also elaborated on a more general issue of reporting on the activities of the Commission, it was agreed that the President of the Meeting would inform the Chairman of the Commission about the deliberation on the issue at the ninth Meeting and request him to provide such information in writing. Further discussion of the item was adjourned until the next Meeting of States Parties.

B. Other issues brought to the attention of the Meeting of States Parties

49. In conjunction with the discussion of issues submitted to the attention of the Meeting by the Chairman of the Commission on the Limits of the Continental Shelf, one delegation expressed its view that the Meeting could not limit its role solely to matters of an administrative nature. It felt that the Commission was under obligation to present a report on its activities to the Meeting of States Parties, similar to the report of the Tribunal, and that the Meeting should discuss such report. The delegation was also of the view that the practice of presentation to the Meeting of States Parties of a report of the Secretary-General of the United Nations under article 319 of the Convention should be resumed, and that the Secretary-General of the International Seabed Authority should inform the Meeting of the activities of the Authority as well.

50. In the ensuing debate, differing viewpoints were expressed. Some delegations agreed that a report should be submitted regularly by the Commission, without prejudice to the requirements of confidentiality, and that the Meeting should be able to seek information from the Secretary-General of the Authority, in particular for the benefit of those States Parties whose nationals were not represented in the Commission or which could not participate in the sessions of the Authority. Those delegations also generally tended to favour the inclusion into the agenda of the next meeting a separate agenda item dealing with matters relating to the Convention.

51. Other delegations thought that such a request raised a number of pertinent issues that should be the object of further deliberations under an agenda item on the role of the Meeting of States Parties in dealing with matters relating to the Convention, taking into account the recent recommendation on the

establishment of an appropriate forum for dealing with ocean issues made by the seventh session of the Commission on Sustainable Development.

52. Several other delegations stated that the functions of the Meeting of States Parties were laid down in the Convention. They considered that the Meeting had no competence to assume other functions and that, in addition, the Commission on the Limits of the Continental Shelf as well as the International Seabed Authority were autonomous bodies, although of different nature, and were not required to report to the Meeting of States Parties. Those delegations were also of the opinion that the only appropriate forum to discuss issues of a general nature related to the Convention was the United Nations General Assembly.

53. In view of the diversity of opinions, it was agreed that the Meeting would continue the discussion at the tenth Meeting of States Parties under the agenda item "Other matters" or any other agenda item as the tenth Meeting might agree upon. It was also agreed that the Secretary-General of the International Seabed Authority would be given the opportunity to address that Meeting and provide information with respect to the activities of the Authority.

C. Future of the international regime of compensation for oil pollution damage

54. The attention of the Meeting was drawn to a matter of considerable urgency for States members of the International Oil Pollution Compensation Fund that were governed in the matter of liability of shipowners for oil pollution damage by the 1969 Civil Liability Convention as well as the 1971 International Oil Pollution Compensation Fund Convention. It was pointed out that those Conventions had been amended by Protocols in 1992 and that, following the entry into force of the 1992 Protocols in May 1996, two organizations existed with different memberships: the 1971 Fund and the 1992 Fund. However, with increasing membership in the 1992 Fund, the importance and viability of the 1971 Fund was declining. With many States leaving the 1971 Fund, it would not be able to operate normally or amass sufficient contributions to provide compensation, while there might be additional liabilities arising out of new incidents. To prevent that situation, an urgent appeal was made to all parties to the 1969 and 1971 Conventions to deposit their instruments of denunciation as soon as possible and to take the necessary legislative steps to accede to the 1992 Protocols.

D. Statement by a non-governmental organization on the protection of seafarers

55. In accordance with rule 18, paragraph 6, of the Rules of Procedure of the Meeting of States Parties (SPLOS/2/Rev.3/Add.1), a statement was made by the representative of a non-governmental organization, the Seamen's Church Institute, participating in the Meeting as an observer. The observer drew the attention of the Meeting to the need for the protection of seafarers, in particular in relation to piracy and in cases of abandoned ships. In the latter cases, the shipowners' ability to avoid liability, especially with respect to

wages and medical care for crew members, was facilitated by the ease with which the nationality of ships could be changed. He suggested that the issue of how ships lost their nationality and who was responsible for crews of ships that had lost or changed nationality needed to be addressed. He also spoke about the escalating problems concerning the repatriation of stranded seafarers, which were reflected in a report prepared by his organization.

E. Statement by the President at the closing of the ninth Meeting

56. In his closing statement, the President of the ninth Meeting expressed his congratulations to the seven elected members of the International Tribunal for the Law of the Sea. On behalf of the Meeting, he also thanked the Honourable Judge Joseph Sinde Warioba, whose term expires during the current year, for his important contribution to the cause of international justice and the law of the sea.

57. Expressing his satisfaction regarding the great deal of work accomplished, in particular the adoption of the budget of the Tribunal and its pension scheme regulations, he stressed the need for States Parties to pay their assessed contributions fully and on time.

F. Dates and programme of work of the tenth Meeting of States Parties

58. The tenth Meeting of States Parties will be held in New York from 22 to 26 May 2000.

59. The tenth Meeting will have on its agenda, inter alia, the following items:

(a) Report of the International Tribunal for the Law of the Sea to the Meeting of States Parties (1999) (rule 6 of the Rules of Procedure of the Meeting of States Parties);

(b) Draft budget of the International Tribunal for the Law of the Sea for 2001;

(c) Draft financial regulations of the International Tribunal for the Law of the Sea;

(d) Rules of procedure of the Meeting of States Parties, in particular, the rules dealing with decisions on questions of substance (rule 53), including the establishment of a finance committee;

(e) Other matters.